

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE**

**MARIA D DELGADO VELAZQUEZ**

**DEBTOR(S)**

**CASE NO. 10-00929-ESL**

**CHAPTER: 13**

**MOTION REQUESTING DISMISSAL**

**TO THE HONORABLE COURT:**

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Movant herein, through its undersigned counsel, and very respectfully to the Honorable Court, alleges and prays as follows:

1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle SUZUK GRAND VITA 2009 registered under number 3688852, executed by debtor(s) on MAY 30, 2009.

2. Debtor(s) filed the instant bankruptcy petition under Chapter 13 on FEBRUARY 10, 2010.

3. Debtor's (s') Plan was confirmed on APRIL 15, 2011. Said Plan proposes to pay pre-petition arrears through Chapter 13 Trustee and debtor(s) will maintain regular payment directly to Movant.

4. However, debtor(s) has/have breached the aforementioned Plan's proposals. As of today's date debtor(s) show(s) **TWO (2) post-petition arrears on monthly installments corresponding to the months of September and October, 2011 for a total amount of post-petition installments due of \$963.90.**

5. Section 1307 (c)(6) of the Bankruptcy Code (11 USC §1307 (c)(6)) provides for the dismissal of a case under Chapter 13 for "material default by the debtor with respect to a term of a Confirmed Plan."

6. The situation above explained is effectively causing undue prejudice to Movant's rights as a holder of a secured claim.

7. Therefore, according to 11 USC §1307(c)(1) debtor's(s') unreasonable delay which is prejudicial to creditor, is sufficient also cause to warrant the dismissal of debtors' bankruptcy petition.

**WHEREFORE**, it is respectfully requested from the Honorable Court to order the dismissal of the instant bankruptcy petition according to the aforementioned bankruptcy disposition.

**NOTICE TO ALL PARTIES** is herein given to the effect that if no opposition is filed within thirty (30) from this notice the Court may enter an Order dismissing the case without further hearing.

#### **CERTIFICATE OF SERVICE**

I hereby certify that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the **ALEJANDRO OLIVERAS**, Trustee and **ROBERTO FIGUEROA CARRASQUILLO**, Debtor(s) Attorney and that we have sent copy of this document through regular mail to Debtor(s) **MARIA D DELGADO VELAZQUEZ, APARTADO 61 HC 1 BOX 29030 CAGUAS, PR 00725** and to all non CM/ECF participants interested as per mailing list which is hereby included.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico this 31 day OCTOBER, 2011.

**/S/ CARLOS E. PEREZ PASTRANA**  
**USDC-208913**  
Attorney for Movant  
PO BOX 21382  
SAN JUAN, PR 00928-1382  
TEL. 787-625-6645 FAX: 787-625-4891  
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**UNITED STATES BANKRUPTCY COURT  
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**IN RE:**

**MARIA D DELGADO VELAZQUEZ**

**DEBTOR(S)**

**CASE NO 10-00929-ESL**

**CHAPTER 13**

**MOTION SUBMITTING DECLARATION  
UNDER PENALTY OF PERJURY**

Comes now, RELIABLE FINANCIAL SERVICES, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **HILDARIS B. BURGOS MURIEL**, Bankruptcy Official for RELIABLE FINANCIAL SERVICES, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 20 day of OCTOBER, 2011.

**S/HILDARIS B. BURGOS MURIEL**  
**Bankruptcy Official**  
P. O. Box 21382  
San Juan, PR 00928-1382  
Tel. (787)625-6647 FAX:(787)625-4891  
hburgosm@reliablefinancial.com

Department of Defense Manpower Data Center

Oct-20-2011 07:10:42



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
DELGADO	MARIA	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

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Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:K04O9CKBH4

Label Matrix for local noticing 0104-3 Case 10-00929-ESL13 District of Puerto Rico Old San Juan Fri Jun 25 12:53:47 AST 2010	RELIABLE FINANCIAL SERVICES CARLOS E PEREZ PASTRANA PO BOX 21382 SAN JUAN, PR 00928-1382	US Bankruptcy Court District of P.R. U.S. Post Office and Courthouse Building 300 Recinto Sur Street, Room 109 San Juan, PR 00901-1964
CRIM LEGAL COUNSEL OFFICE PO BOX 195387 SAN JUAN PR 00919-5387	DEPARTAMENTO DE HACIENDA PO BOX 9024140 SAN JUAN, PR 00902-4140	Department of Treasury Bankruptcy Section (424-B) PO Box 9024140 San Juan, PR 00902-4140
HUERTAS JUNIOR COLLEGE PO BOX 8429 CAGUAS, PR 00726-8429	ISLAND FINANCE PO BOX 195369 SAN JUAN, PR 00919-5369	JC PENNEY PO BOX 364788 SAN JUAN, PR 00936-4788
MUEBLERIA BERRIOS PO BOX 674 CIDRA, PR 00739-0674	RELIABLE FINANCIAL SERVICES PO BOX 21382 SAN JUAN, PR 00928-1382	Recovery Management Systems Corporation For GE Money Bank dba JCPENNEY CREDIT SERVICES 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605
SANTANDER FINANCIAL D/B/A ISLAND FINANCE PO BOX 195369 SAN JUAN PR, 00919-5369	SEARS PO BOX 6189 SIOUX FALLS, SD 57117-6189	TRANSWORLD SYSTEMS INC 2235 MERCURY WAY, SUITE 275 SANTA ROSA, CA 95407-5463
ALEJANDRO OLIVERAS RIVERA ALEJANDRO OLIVERAS, CHAPTER 13 TRUS PO BOX 9024062 SAN JUAN, PR 00902-4062	MARIA DE LOURDES DELGADO VELAZQUEZ HC 01 BOX 29030 APARTADO 61 CAGUAS, PR 00726-0061	MONSITA LECAROS ARRIBAS OFFICE OF THE US TRUSTEE (UST) OCHOA BUILDING 500 TANCA STREET SUITE 301 SAN JUAN, PR 00901-1938
ROBERTO FIGUEROA CARRASQUILLO PO BOX 193677 SAN JUAN, PR 00919-3677	End of Label Matrix Mailable recipients 18 Bypassed recipients 0 Total 18	